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November 22, 2013

VIA ECF

Hon. George B. Daniels
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Sokolow v. Palestine Liberation Organization*, No. 04-CV-397(GBD) (RLE)

Dear Judge Daniels:

I write on behalf of the Defendants the Palestinian Authority (“PA”) and Palestine Liberation Organization (“PLO”) to join in Plaintiffs’ requests (Docket No. 383, 397) that the Court schedule a conference at the Court’s earliest convenience to set the schedule for summary judgment briefing and pre-trial order submissions.

As an initial matter Defendants note that Plaintiffs are incorrect that Federal Rule of Civil Procedure (“Rule”) 56(b) makes Defendants’ motion for summary judgment due 30 days after the close of discovery, or December 23. *See* DE 397 at 3. That rule does not apply if “a different time is set by local rule or the court orders otherwise.” Rule 56(b). The Scheduling Order entered June 27, 2011 stated: “Scheduling the briefing of summary judgment motion(s) and pre-trial order submissions *is deferred until a later conference.*” Docket No. 131 at 3 (emphasis added). At a hearing on August 9, 2012, the Court set a status conference for January 17, 2013. 8/9/12 Tr. at 84-85. Defense counsel appeared for the conference, but Plaintiffs’ counsel did not. *See* 1/17/13 Ltr. to the Court from M. Rochon (Ex. 1). In a February 6, 2013 letter to the Court, Plaintiffs’ counsel Robert Tolchin stated: “the Court is respectfully asked to ‘apply the brakes,’ and to reject defendants’ attempts to stampede the Court into prematurely setting summary judgment briefing and other deadlines.” 2/6/13 Ltr. to the Court from R. Tolchin at 3 (Ex. 2). The January 17, 2013 status conference was not rescheduled.¹ In sum, there is no schedule in place for filing summary judgment briefs.

¹ Defendants’ request for reimbursement of \$1426.00 in travel costs associated with Plaintiffs’ failure to appear also remains pending. *See* Ex. 1, 1/17/13 Ltr. to Court from M. Rochon at 1.



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Expert discovery closes today, November 22. At a telephone hearing on November 21, Magistrate Judge Ellis informed the parties that Your Honor would be deciding issues relating to summary judgment briefing and the timing of other pre-trial motions, including *Daubert* motions. As set forth in the Defendants November 7, 2013 letter to the Court, Defendants seek to have separate briefing on expert admissibility issues, preferably before summary judgment briefing. The Court's ruling on that issue will impact the timing and page limits Defendants will seek with respect to summary judgment briefing.

Given the size and complexity of the lawsuit, the fact that discovery has now closed, and the parties' apparent disagreement on the deadlines for summary judgment briefing and the sequencing of pre-trial motions, a scheduling conference would greatly assist the parties in moving the case forward.

Sincerely,

A handwritten signature in black ink that reads "Mark J. Rochon / JF".

Mark J. Rochon

cc: Hon. Ronald E. Ellis
All ECF Counsel